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Attorneys for Defendant CARGILL MEAT
SOLUTIONS CORPORATION

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JASMINE LUVIANO, on behalf of herself
and all others similarly situated

Plaintiff,

vs.

CARGILL MEAT SOLUTIONS
CORPORATION, a Delaware Corporation;
And DOES 1 - 100, inclusive,

Defendants.

Case No. 2:23-CV-000959-KES-SKO

**JOINT STIPULATION AND ORDER
REQUESTING MODIFICATION OF
SCHEDULING ORDER**

Trial Date: Not set.
Complaint Filed: March 29, 2023

JOINT STIPULATION

Plaintiffs Jasmine Luviano (“Plaintiff Luviano”) and Defendant Cargill Meat Solutions Corporation (“Defendant”) (collectively, the “Parties”) through their undersigned counsel, hereby agree and stipulate to a modification of Plaintiff Luviano’s deadline to file her Motion for Class Certification and related deadlines as follows:

WHEREAS, Defendant has recently attained new counsel, Ogletree, Deakins, Nash, Smoak & Steward P.C., and the case files are still in the process of being transferred from Defendant’s previous law firm, Cozen O’Connor to Ogletree Deakins;

WHEREAS, two earlier cases have been filed against Defendant in this District, *Maribel Tavares v. Cargill Incorporated and Cargill Meat Solutions Corp*, Eastern District of California Case No. 1:18-CV-00792-KES-SKO, and *Richard Marin and Samantha Lopez v. Cargill Meat Solutions Corporation*, Eastern District of California Case No. 1:22-CV-00578-KES-SKO;

WHEREAS, the Plaintiffs in the *Tavares* and *Marin* actions seek to certify class concerning approximately the same employees of Defendant as in the present action;

WHEREAS, all three actions – the *Tavares*, *Marin* and the present action – are before this Court, all of which are also assigned to Magistrate-Judge Sheila K. Oberto;

WHEREAS, Defendant and Plaintiffs from the *Tavares* and *Marin* actions previously engaged in mediation but failed to settle;

WHEREAS, on October 11, 2023, Magistrate-Judge Oberto issued her Findings and Recommendations to Deny Plaintiff Tavares’ Motion for Class Certification; Plaintiff Tavares filed objections to the Findings, and Defendant filed its responses to those objections;

WHEREAS, Defendant and Plaintiffs Tavares and Marin have agreed to mediate before Mediator Paul Grossman on June 5, 2024;

WHEREAS, on April 5, 2024, Defendant’s new counsel conducted a telephonic conversation with counsel for Plaintiff Luviano, and the parties agreed that all three putative class actions should be mediated at the scheduled June 5, 2024 mediation;

WHEREAS, Defendant’s new counsel and Plaintiff Luviano’s counsel agreed the current Scheduling Order should be modified as to the following deadlines in this matter: (1) class

certification discovery deadline, (2) deadline for Plaintiffs to file a Motion for Class Certification, and (3) the briefing schedule related to Plaintiffs' Motion for Class Certification.

WHEREAS, the Parties believe a 180-day continuance of the referenced deadlines and briefing schedule are reasonable and will help promote judicial economy and resources;

WHEREAS, the current deadlines set in this matter are as follows [ECF 16]:

- August 30, 2024 – Class Certification Discovery Cut-Off;
- October 1, 2024 – Plaintiffs' deadline to file Motion for Class Certification;
- November 1, 2024 - Defendant's deadline to file its Opposition;
- November 15, 2024 – Plaintiff's deadline to file their Reply; and
- December 4, 2024 – Hearing on Plaintiffs' Motion for Class Certification

NOW THEREFORE, the Parties stipulate, agree, and respectfully request the Court to modify its Scheduling Order as follows:

- February 26, 2025 – Class Certification Discovery Cut-Off;
- March 31, 2025 – Plaintiffs' deadline to file Motion for Class Certification;
- April 30, 2025 - Defendant's deadline to file its Opposition;
- May 14, 2025 – Plaintiff's deadline to file their Reply; and
- June 2, 2025 – Hearing on Plaintiffs' Motion for Class Certification.

IT IS SO STIPULATED.

DATED: April 9, 2024

THE NOURMAND LAW FIRM, APC

By /s/ Michael Nourmand
Michael Nourmand
James A. De Sario
Attorneys for Plaintiff JASMINE LUVIANIO

DATED: April 9, 2024

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

By: /s/ Richard H. Rahm

Richard H. Rahm

Timothy L. Reed

Ethan Lai

Attorneys for Defendant CARGILL MEAT
SOLUTIONS CORPORATION

ORDER

Having considered the Parties' Joint Stipulation (Doc. 20), and for good cause shown (Fed. R. Civ. P. 16(b)(4)), the Court HEREBY ORDERS the following modifications to the current deadlines (Doc. 16) in this matter:

- February 26, 2025 – Class Certification Discovery Cut-Off;
- March 31, 2025 – Plaintiff's deadline to file Motion for Class Certification;
- April 30, 2025 - Defendant's deadline to file its Opposition;
- May 14, 2025 – Plaintiff's deadline to file their Reply; and
- June 4, 2025¹ – Hearing on Plaintiff's Motion for Class Certification.

IT IS SO ORDERED.

Dated: April 11, 2024

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

¹ Magistrate Judge Oberto holds civil law and motion hearings on Wednesdays at 9:30 a.m. The parties' proposed date has been continued accordingly.